

JUDD J. BALMER, ESQ., LTD.  
A Nevada Professional Corporation

**JUDD J. BALMER, ESQ.**  
NEVADA BAR NO. 006212  
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*A Nevada Professional Corporation*  
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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DIVINE WELLNESS, LLC, a Nevada  
Limited Liability Company, d/b/a ELEVATED  
SAUNA & CRYOTHERAPY STUDIO,

Plaintiffs,  
vs.

NFP PROPERTY & CASUALTY SERVICES,  
INC., a foreign corporation; and  
TRANSPORTATION INSURANCE  
COMPANY, a foreign business entity,

Defendants.

Case No.: 2:23-cv-01828-JCM-NJK

**STIPULATION AND ORDER FOR  
DISMISSAL**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff, Divine Wellness, LLC, d/b/a Elevated Sauna & Cryotherapy Studio, by and through its attorneys of record, JUDD J. BALMER, ESQ., LTD., Defendant TRANSPORTATION INSURANCE COMPANY, a foreign business entity, by and through its attorneys of record, Thomas E. McGrath, Esq., and Lilith V. Xara, Esq., of LITCHFIELD CAVO LLP, and Defendant NFP PROPERTY & CASUALTY SERVICES, INC., a foreign corporation, by and through its attorneys of record, Jennifer H. Chung, Esq., of McDowell Hetherington, LLP, and Charles H. McCrea, Esq., of PRHLAW LLC, that Plaintiff's claims against Defendants in this action are dismissed, with some claims being dismissed with prejudice and other claims being dismissed without prejudice, in accordance with the terms of the governing confidential Release and

1 *Settlement Agreement*<sup>1</sup> entered into between the Plaintiff and Defendants, to wit: (1) Plaintiff's  
 2 claims against Defendant TRANSPORTATION INSURANCE COMPANY are dismissed *with*  
 3 prejudice as to all past claims, but are dismissed *without* prejudice as to any "Future Claims" as  
 4 defined by and in accordance with the governing confidential *Release and Settlement Agreement*;  
 5 and (2) Plaintiff's claims against Defendant NFP PROPERTY & CASUALTY SERVICES, INC.,  
 6 are dismissed *without* prejudice in accordance with the terms of the governing confidential  
 7 *Release and Settlement Agreement*.

8  
 9 IT IS FURTHER STIPULATED AND AGREED that the Plaintiff's and Defendants'  
 10 respective attorney's fees and costs incurred in this action shall be borne in accordance with the  
 11 terms of the governing confidential *Release and Settlement Agreement* entered into between the  
 12 Plaintiff and Defendants.

13 IT IS SO STIPULATED.

14 DATED this 16th day of January, 2025.

DATED this 16th day of January, 2025.

15 JUDD J. BALMER, ESQ., LTD.  
*A Nevada Professional Corporation*

LITCHFIELD CAVO LLP

16 By: /s/ Judd J. Balmer  
 17 JUDD J. BALMER, ESQ.  
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 18 170 S. Green Valley Parkway, Suite 300  
 Henderson, Nevada 89012  
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 20 E: jbalmer@balmerlawfirm.com  
*Attorneys for Plaintiff*

By: /s/ Lilith V. Xara  
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 F: (702) 916-1776  
 E: xara@litchfieldcavo.com  
*Attorneys for Defendant*  
*Transportation Insurance Company*

22 *Signatures Continue on Page 3*

23 ...  
 24 ...  
 25 ...  
 26 ...

27  
 28 <sup>1</sup> The confidential *Release and Settlement Agreement* was fully executed by Plaintiff and Defendants as of January 14, 2025. If necessary, the confidential *Release and Settlement Agreement* entered into between the Plaintiff and Defendants is available for the Court's *in camera* review in conjunction with this *Stipulation and Order for Dismissal*.

*Divine Wellness, LLC, v. NFP Property & Casualty Services, Inc.;  
Transportation Insurance Company, et al.*  
Case No.: 2:23-cv-01828-JCM-NJK  
**STIPULATION AND ORDER FOR DISMISSAL**

DATED this 16th day of January, 2025.

DATED this 16th day of January, 2025.

MCDOWELL HETHERINGTON LLP

PRHLAW LLC

By: /s/ Jennifer H. Chung  
JENNIFER H. CHUNG, ESQ.  
*Admitted Pro Hac Vice*  
1001 Fannin Street, Suite 2400  
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*Attorneys for Defendant NFP  
Property & Casualty Services, Inc.*

By: /s/ Charles H. McCrea  
CHARLES H. MCCREA, ESQ.  
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*Attorneys for Defendant NFP  
Property & Casualty Services, Inc.*

**ORDER**

Pursuant to the *Stipulation* above, and good cause appearing,

IT IS HEREBY ORDERED that Plaintiff's claims against Defendants in this action are dismissed in accordance with the terms of the governing confidential *Release and Settlement Agreement* entered into between the Plaintiff and Defendants, to wit: (1) Plaintiff's claims against Defendant TRANSPORTATION INSURANCE COMPANY are dismissed *with* prejudice as to all past claims, but are dismissed *without* prejudice as to any "Future Claims" as defined by and in accordance with the governing confidential *Release and Settlement Agreement*; and (2) Plaintiff's claims against Defendant NFP PROPERTY & CASUALTY SERVICES, INC., are dismissed *without* prejudice in accordance with the terms of the governing confidential *Release and Settlement Agreement*.

...

...

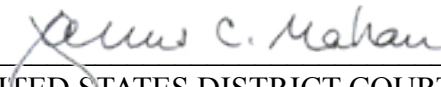
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*Divine Wellness, LLC, v. NFP Property & Casualty Services, Inc.;  
Transportation Insurance Company, et al.*  
Case No.: 2:23-cv-01828-JCM-NJK  
*STIPULATION AND ORDER FOR DISMISSAL*

IT IS FURTHER ORDERED that Plaintiff's and Defendants' respective attorney's fees and costs incurred in this action shall be borne in accordance with the terms of the confidential Release and Settlement Agreement entered into between the Plaintiff and Defendants.

Dated: January 22, 2025

  
UNITED STATES DISTRICT COURT JUDGE

Respectfully Submitted by:

JUDD J. BALMER, ESQ., LTD.  
*A Nevada Professional Corporation*

By: /s/ Judd J. Balmer  
JUDD J. BALMER, ESQ.  
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*Attorneys for Plaintiff*

Friday, January 17, 2025 at 11:50:57 Eastern Standard Time

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**Subject:** Re: Divine Wellness v. NFP, et al.

**Date:** Thursday, January 16, 2025 at 7:34:48 PM Eastern Standard Time

**From:** Charles McCrea

**To:** Jennifer Chung, Xara, Lilith, Judd Balmer

**CC:** Jessica Balmer, McGrath, Thomas

Good by me. You may affix my e-signature.

Charles H. McCrea

**PRHLAW**LLC

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**From:** Jennifer Chung <[jennifer.chung@mhlip.com](mailto:jennifer.chung@mhlip.com)>

**Sent:** Thursday, January 16, 2025 4:01 PM

**To:** Xara, Lilith <[xara@litchfieldcavo.com](mailto:xara@litchfieldcavo.com)>; Judd Balmer <[jbalmer@balmerlawfirm.com](mailto:jbalmer@balmerlawfirm.com)>

**Cc:** Charles McCrea <[Charles@prhlawllc.com](mailto:Charles@prhlawllc.com)>; Jessica Balmer <[jessica@balmerlawfirm.com](mailto:jessica@balmerlawfirm.com)>; McGrath, Thomas <[mccratht@litchfieldcavo.com](mailto:mccratht@litchfieldcavo.com)>; Judd Balmer <[jbalmer@balmerlawfirm.com](mailto:jbalmer@balmerlawfirm.com)>

**Subject:** RE: Divine Wellness v. NFP, et al.

Good with me as well. Thanks

**Jennifer H. Chung**

Partner

**McDowell Hetherington LLP**

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**From:** Xara, Lilith <[xara@litchfieldcavo.com](mailto:xara@litchfieldcavo.com)>

**Sent:** Thursday, January 16, 2025 5:21 PM

**To:** Judd Balmer <[jbalmer@balmerlawfirm.com](mailto:jbalmer@balmerlawfirm.com)>

**Cc:** Jennifer Chung <[jennifer.chung@mhlip.com](mailto:jennifer.chung@mhlip.com)>; Charles McCrea <[Charles@prhlawllc.com](mailto:Charles@prhlawllc.com)>; Jessica

Balmer <[jessica@balmerlawfirm.com](mailto:jessica@balmerlawfirm.com)>; McGrath, Thomas <[mcgratht@litchfieldcavo.com](mailto:mcgratht@litchfieldcavo.com)>; Judd Balmer <[jbalmer@balmerlawfirm.com](mailto:jbalmer@balmerlawfirm.com)>

**Subject:** Re: Divine Wellness v. NFP, et al.

This is approached for my e-signature and filing.

Thanks,

Lilith.

On Jan 16, 2025, at 3:18 PM, Judd Balmer <[jbalmer@balmerlawfirm.com](mailto:jbalmer@balmerlawfirm.com)> wrote:

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Hi Lilith, Jennifer, and Charles:

Please find attached the proposed SAO to Dismiss in accordance with the terms of the Settlement Agreement.

Please provide me with your respective authority to affix your electronic signatures to the SAO and submit to the Court.

Thank you for your time.

Thank you.

Very Truly Yours,

*Judd J. Balmer, Esq.*

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<image001.png>

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**From:** Xara, Lilith <[xara@litchfieldcavo.com](mailto:xara@litchfieldcavo.com)>  
**Date:** Wednesday, January 15, 2025 at 12:28 PM  
**To:** Judd Balmer <[jbalmer@balmerlawfirm.com](mailto:jbalmer@balmerlawfirm.com)>, Jennifer Chung <[jennifer.chung@mhllp.com](mailto:jennifer.chung@mhllp.com)>  
**Cc:** Jessica Balmer <[jessica@balmerlawfirm.com](mailto:jessica@balmerlawfirm.com)>, McGrath, Thomas <[mcgratht@litchfieldcavo.com](mailto:mcgratht@litchfieldcavo.com)>  
**Subject:** RE: Divine Wellness v. NFP, et al.

Judd,

Thank you.

**Lilith V. Xara**

Attorney

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[Xara@LitchfieldCavo.com](mailto:Xara@LitchfieldCavo.com)

[Biography](#) | [LinkedIn](#)

<[image002.png](#)>

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**[LitchfieldCavo.com](#) | [Office Locations](#)**

Until further notice, we ask that all correspondence, pleadings, discovery or other documents be **sent in digital form**, via email, instead of (or in addition to) US Mail. Please understand that Litchfield Cavo has transitioned many of our workforce to hybrid work arrangements and any documents sent to our physical offices may require additional response time.

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**From:** Judd Balmer <[jbalmer@balmerlawfirm.com](mailto:jbalmer@balmerlawfirm.com)>  
**Sent:** Wednesday, January 15, 2025 9:19 AM  
**To:** Jennifer Chung <[jennifer.chung@mhllp.com](mailto:jennifer.chung@mhllp.com)>; Xara, Lilith <[xara@litchfieldcavo.com](mailto:xara@litchfieldcavo.com)>  
**Cc:** Jessica Balmer <[jessica@balmerlawfirm.com](mailto:jessica@balmerlawfirm.com)>; McGrath, Thomas <[mcgratht@litchfieldcavo.com](mailto:mcgratht@litchfieldcavo.com)>; Judd Balmer <[jbalmer@balmerlawfirm.com](mailto:jbalmer@balmerlawfirm.com)>  
**Subject:** Re: Divine Wellness v. NFP, et al.

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